IN THE HIGH COURT OF JUDICATURE AT BOMAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1607 OF 1991.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. J.B. Kasat, Advocate for Petitioner.
Mr. U. Dastane, Advocate for Respondents.

CORAM : V.C.DAGA AND
R.C.CHAVAN, JJ.

DATED : JANUARY 08, 2007.

Heard learned counsel for the parties. Perused petition.

The petitioner has filed this petition in the name of 'Mohan Talkies, Khamgaon', without disclosing the status of the petitioner as to whether it is owned and run by a proprietor, partnership firm or by a company. Mohan Talkies is neither a juridical person nor a legal person. It has no fundamental rights. It cannot be represented by Manager unless it is a person in the eye of law. At any rate the Manager of the talkies, who is employee, does not have any fundamental rights under Article 14 or 19(1)(g) of the Constitution.

The petition is misconceived and not maintainable at the instance of Mohan Talkies. The petition, on this short count, is liable to be dismissed.

At this juncture, Shri Dastane, learned counsel appearing for the respondents, submits that during pendency of the petition Cable Television Networks (Regulation) Act, 1995 came on the statute book, with the result rights of the respondents cable operators are governed by the said Legislation and that the present petition has became infructuous.

Since, we are dismissing this petition on the preliminary objection, leading to the maintainability of the petition, we do not propose to enter into merits of the matter, however, it would be open for the proper person to invoke jurisdiction of this Court in the event cause of action survives.

At this stage, Mr. Kasat sought liberty to amend the petition. Prayer made is opposed by Mr. Dastane.

No such liberty can be granted after lapse of fifteen years, especially when liberty in favour of proper person to file proper petition is already reserved, prayer made in this behalf is thus, rejected.

The writ petition is thus dismissed. Rule is discharged with no order as to costs.

JUDGE. **JUDGE.**

RR.